

## REMARKS

Claims 1-17 are pending in the present application. Applicant has amended claims 1, 12, 13, 15 and 16. No claims have been added or cancelled. Applicant respectfully submits that the claims as presented are allowable.

The Examiner rejected claims 1-4, 7, 8, 10 and 11 under 35 U.S.C § 102(b) as being anticipated by MacKechnie (US Pat. No. 4,623,142) ("MacKechnie"). Applicant respectfully submits that MacKechnie does not show or discuss all the limitations of claims 1. As amended, claim 1 recites "a handle connected to an interior of the dome-shaped bell and extending through the opening, the handle having a handle axis non-perpendicular to the bell axis." Applicant respectfully submits that this feature is not shown in MacKechnie. MacKechnie shows an aquatic dumbbell where a handle is connected to the apexes of two cones. The handle is not connected to an interior of either of the cones. Further, the handle does not extend from an interior through an opening of a bell. The handle in MacKechnie extends from the apex away from the opening of the cone. Accordingly, applicant respectfully submits that MacKechnie does not show or describe all of the limitations of claim 1 and that claim 1 is allowable.

Regarding claims 2-11, these claims depend from claim 1 which applicant respectfully submits is allowable. Accordingly, claim 2-11 are at least allowable as depending from an allowable base claim.

The Examiner rejected claims 12 and 13 under 35 U.S.C § 102(b) as being anticipated by Solloway (US Pat. No. 4,468,023) ("Solloway"). Applicant respectfully submits that Solloway does not show every limitation of claim 12 and that claim 12 is allowable. As amended, claim 12 recites "a handle having a first end connected to a first interior of the first dome-shaped bell through a first bell opening of the first bell and a second end connected to a second interior of the second dome-shaped bell through a second bell opening of the second bell." This feature is not shown in Solloway. Solloway shows an aquatic dumbbell where a handle is connected to the exteriors of two spheres. The handle is not connected to the interior of a dome shaped bell. Further, the handle is not connected to either of the spheres through a bell opening in Solloway. Accordingly, applicant respectfully submits that all the limitations of claim 12 are not shown in Solloway and that claim 12 is allowable.

Claims 13 and 14 depend from claim 12 which applicant respectfully submits is allowable. Accordingly, claims 13 and 14 are at least allowable as depending from an allowable base claim.

The Examiner rejected claims 14-17 under 35 U.S.C § 103(a) as being unpatentable over Solloway in view of Shelton et al. (D344,113) ("Shelton"). Applicant respectfully submits neither Solloway, nor Shelton, nor a combination of the two, teaches all of the limitations of claim 15 and that claim 15 is allowable. As amended claim 15 recites a method of moving an aquatic device through water where the device comprises "a handle having a first end connected to a first interior of the first dome-shaped bell through a first bell opening of the first bell and a second end connected to a second interior of the second dome-shaped bell through a second bell opening of the second bell". Solloway does not teach or suggest this element. As discussed above, Solloway shows a handle connected to the exteriors of two spheres.

Shelton shows an aquatic dumbbell where a handle is connected within an arrangement of curved fins. Nowhere in Shelton is a teaching or a suggestion to connect a handle to an interior of a dome-shaped bell through a bell opening. Accordingly, applicant respectfully submits that neither Solloway, nor Shelton, nor a combination of the two, teach or suggest every element of claim 15.

Regarding claims 16 and 17, these claims depend from claim 15 which applicant respectfully submits is allowable. Accordingly, claims 116 and 17 are at least allowable as depending from an allowable base claim.

**Conclusion**

Applicant has amended claims 1, 12, 13, 15, and 16 in this Response. No new claims have been added and no claims have been cancelled. Applicant respectfully submits that claims 1-17 as now presented are allowable over the art cited.

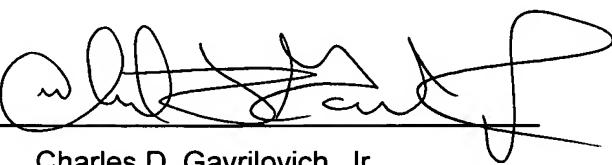
Respectfully submitted,

TADLINGTON A. STOUT

Date:

January 12, 2005

By:



Charles D. Gavrilovich, Jr.  
Reg. No. 41,031

Charles D. Gavrilovich, Jr.  
Gavrilovich, Dodd & Lindsey, LLP  
985 Paseo La Cresta, Suite B  
Chula Vista, CA 91910  
Phone: 619 271 0382  
FAX: 619 271 0383